UNITED STATES PATENT AND TRADEMARK OFFICE

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10/580,954	05/30/2006	Steffen Fries	1454.1714	8341

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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/580,954	FRIES, STEFFEN
	Examiner	Art Unit
	JEFFERY WILLIAMS	2437

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _25 March 2010_.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _11,14,15,17,20,21 and 23_ is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _11, 14, 15, 17, 20, 21, and 23_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a) ☐ All b) ☐ Some * c) ☐ None of:

    1. ☐ Certified copies of the priority documents have been received.

    2. ☐ Certified copies of the priority documents have been received in Application No. _____.

    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1   **DETAILED ACTION**

2

3   This action is in response to the communication filed on 3/25/10.

4   All objections and rejections not set forth below have been withdrawn.

5   Claims 11, 14, 15, 17, 20, 21, and 23 are pending.

6

7   ***Claim Rejections - 35 USC § 103***

8

9   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

10   obviousness rejections set forth in this Office action:

11   (a) A patent may not be obtained though the invention is not identically disclosed or described as set
12   forth in section 102 of this title, if the differences between the subject matter sought to be patented and
13   the prior art are such that the subject matter as a whole would have been obvious at the time the
14   invention was made to a person having ordinary skill in the art to which said subject matter pertains.
15   Patentability shall not be negatived by the manner in which the invention was made.
16
17   **Claims 11, 14, 15, 17, 20, 21, and 23 are rejected under 35 U.S.C. 103(a) as**

18   **being unpatentable over DiSanto et al. (DiSanto), U.S. Patent Publication**

19   **2003/0009659 in view of Blom et al. (Blom), "Conversational IP Multimedia**

20   **Security".**

21

22   Regarding claim 11, DiSanto discloses:

23   *a protocol processing unit processing messages of the key exchange protocol as*

24   *well as data packets transported on the packet-oriented network using the encrypted*

25   *transport protocol with keys for the encrypted transport protocol exchanged using a key*

26   *exchange protocol,, converting voice signals, created by the one of the first and second*

1   *telecommunication terminals at which said security module is connected, into data*

2   *packets for transport via the encrypted transport protocol and converting data packets,*

3   *arriving at said security module after transport via the encrypted transport protocol, into*

4   *voice signals* (DiSanto, fig. 2b:210,220; par. 31, 42, 43 – Herein DiSanto discloses

5   means for processing key exchange and encrypted data transport procedures [i.e.

6   "protocols"] for the purpose of encrypting and decrypting voice and data

7   communications between telecommunication terminals);

8   *a modem connection unit, used when said security module is connected in a*

9   *connecting line at a second telecommunication terminal, setting up a modem*

10   *connection between the second telecommunication terminal and at least one of the*

11   *gateway and another second telecommunication terminal, with the data packets being*

12   *transported using the encrypted transport protocol, along with messages of the key*

13   *exchange protocol, via the modem connection* (DiSanto, fig. 2b:240; fig. 4; par. 33).

14   *wherein a point-to-point protocol connection is used over the modem connection*

15   *in transporting the data packets using the encrypted transport protocol, as well as*

16   *messages of the key exchange protocol* (DiSanto, par. 41, 42 – herein DiSanto

17   discloses a procedure for establishing a direct connection between two nodes [i.e.

18   "point-to-point protocol connection"].

19   DiSanto discloses a security module designed to provide encrypted transport to

20   data between terminals within a network. DiSanto, however, does not appear to

21   explicitly recite *wherein the encrypted transport protocol is Secure Real Time Transport*

22   *Protocol.*

1   Blom discloses that applications for securely transmitting voice data through

2   networks, such as disclosed by DiSanto, should employ SRTP (Blom, Abstract). It

3   would have been obvious to one of ordinary skill in the art to employ the teachings of

4   Blom within DiSanto. This would have been obvious because one of ordinary skill in the

5   art would have been motivated by the teachings that such security protocols and

6   methods were designed specifically so as to improve the secure transport of voice and

7   data between communication terminals (Blom, Abstract; section 3).

8

9   Regarding claim 14, the combination enables:

10   *wherein the key exchange protocol is multimedia Internet keying* (Blom,

11 Abstract).

12

13   Regarding claim 15, the combination enables:

14   *wherein for a telephone conversation, messages of the key exchange protocol*

15 *are transported via a session initiation protocol, and wherein said protocol processing*

16 *unit processes the session initiation protocol* (Blom, section 2; section 5).

17

18   Regarding claim 17, the combination discloses that any conventional

19 communications system may be employed (DiSanto, par. 19). While the combination

20 does not appear to explicitly recite an ISDN communications system or the utilization of

21 the B channel of the ISDN system, the examiner notes that the employment of ISDN

22 and the B channel of ISDN were well known and implemented concepts to those of

1   ordinary skill in the art. One of ordinary skill in the art would have been motivated to

2   recognize ISDN and the utilization of communications over the B channel because such

3   system was conventional and its benefits were well recognized.

4

5   Regarding claim 20, the combination enables:

6   *wherein the packet-oriented network is an Internet protocol-based data network,*

7   *wherein the packet-oriented network is local area network* (DiSanto, par. 19), and *said*

8   *modem connection unit sets up the modem connection in accordance with at least one*

9   *of a V90 and a V92 standard* (DiSanto, par. 33).

10

11   Regarding claim 21, the combination enables:

12   *wherein said security module is connected into a connecting cable between a*

13   *telephone handset and the one of the first and second telecommunication terminals*

14   (DiSanto, fig. 1).

15

16   Regarding claim 23, it comprises essentially similar recitations as claim 11, and it

17   is rejected, at least, for the same reasons as claim 11.

18

19   ***Response to Arguments***

20

21   Applicant's arguments filed 3/25/10 have been fully considered but they are not

22   persuasive.

1

2   *Applicant argues or asserts essentially that:*

3   As such, the security module of claim 11 provides for end-to-end encryption

4   between a client in a packet-oriented network and a client in a public switched

5   telephone network (analog or digital) using the key exchange protocol and the

6   encrypted transport protocol (SRTP) because each of the two distinct networks

7   individually use the key exchange protocol and the encrypted transport protocol via the

8   claimed protocol processing unit and modem connection unit, respectively. These

9   features are not taught by either DiSanto or Blom. (Remarks, pg. 6)

10

11 *Examiner responds:*

12   In response, the examiner respectfully notes that applicant's argument (i.e.

13 **"because each of the two distinct networks _individually use_ the key exchange**

14 **protocol and the encrypted transport protocol via the claimed protocol**

15 **processing unit and modem connection unit, respectively. These features** *are not*

16 *taught by either DiSanto or Blom*") fails to comply with 37 CFR 1.111(b) because it

17 amounts to a general allegation that the claims define a patentable invention without

18 specifically pointing out how the language of the claims patentably distinguishes them

19 from the references. It is noted that it the applicant fails to clearly identify which

20 particular recitation within claim 11 that the applicant feels is not taught by the

21 references.

1   The examiner respectfully offers that the applicant may be alleging that the prior

2   art does not teach a "packet-oriented network", "a connecting line", and "modem

3   connection unit". However, the examiner disagrees with the applicant's allegations and

4   notes that the prior art clearly teaches each of the recited "packet-oriented network"

5   (e.g. DiSanto, par. 23), "a connecting line" (e.g. DiSanto, par. 42,43), and "modem

6   connection unit" (e.g. DiSanto, par. 33)

7

8   *Applicant argues or asserts essentially that:*

9   Furthermore, the modem of DiSanto does not correspond to the claimed modem

10   connection unit, as indicated by the Examiner. As discussed above, the claimed modem

11   connection unit <u>when the security module is connected in a connecting line at a second</u>

12   <u>PSTN telecommunication terminal</u> for transporting the data packets using the encrypted

13   transport protocol, along with messages of the key exchange protocol, <u>via the modem</u>

14   <u>connection</u>. As such, the claimed modem connection unit provides a transfer of

15   encrypted communications from the packet-oriented network into the PSTN because

16   the packet-oriented network also uses the encrypted transport protocol with keys for the

17   encrypted transport protocol exchanged using the key exchange protocol.

18   DiSanto merely discloses a security device for secure communication over a

19   plurality of networks (see DiSanto's Abstract). The internal modem 240 in FIG. 2B of

20   DiSanto is used to perform analog to digital conversion when digitized voice data is

21   directed to port 245 (see paragraph [0033] of DiSanto). Thus, the modem 240 is used

22   merely to comply with the technical requirements of a respective network, but does not

1   provide a technical solution enabling encryption of voice data in a heterogeneous

2   network including a packet-oriented network and a PSTN. (Remarks, pg. 6)

3

4   *Examiner responds:*

5   In response, the examiner respectfully reminds the applicant that the claim

6   recitations in question essentially pertain to a modem that *transports* encrypted

7   communication. Applicant's arguments are unpersuasive, at least, for the reason that

8   they essentially comprises only an allegation that the prior art "*does not provide a*

9   *technical solution enabling encryption of voice data in a heterogeneous network*

10   *including a packet-oriented network and a PSTN*".

11   In response to applicant's argument that the references fail to show certain

12   features of applicant's invention, it is noted that the features upon which applicant relies

13   (i.e., a modem that *provide a technical solution enabling encryption of voice data in a*

14   *heterogeneous network including a packet-oriented network and a PSTN*) are not

15   recited in the rejected claim(s).

16

17

18   *Applicant argues or asserts essentially that:*

19   However, unlike in DiSanto, the modem of the claimed security module enables

20   the data packets from the packet-oriented network to be transported using the

21   encrypted transport protocol, along with messages of the key exchange protocol, via the

22   modem connection. The procedure for establishing a direct connection between two

1   nodes in DiSanto does not anticipate or render obvious this type of connection among

2   terminals of different networks. (Remarks, pg. 6)

3

4   *Examiner responds:*

5   The examiner respectfully notes that the applicant's allegations (e.g. *"the*

6   *claimed security module enables the data packets from the packet-oriented network to*

7   *be transported using the encrypted transport protocol, along with messages of the key*

8   *exchange protocol, via the modem connection. The procedure for establishing a direct*

9   *connection between two nodes in DiSanto does not anticipate or render obvious this*

10   *type of connection among terminals of different networks"*) fail to specifically identify and

11   argue for the novelty of any particular claim recitation. Applicant's arguments fail to

12   comply with 37 CFR 1.111(b) because they amount to a general allegation that the

13   claims define a patentable invention without specifically pointing out how the language

14   of the claims patentably distinguishes them from the references.

15

16   *Applicant argues or asserts essentially that:*

17   One or ordinary skill in the art would clearly appreciate the difference between

18   what is considered a packet-oriented data network and what is considered a telephone

19   network. Thus, Applicant's position that two distinct networks have been defined by

20   claim 11 is not unfounded as indicated by the Examiner. However, in order to further

21   clarify the distinction between the claimed packet-oriented data network and telephone

1   network, claim 11 has been amended to recite "a public switched telephone network".

2   (Remarks, pg. 7)

3

4   *Examiner responds:*

5   The examiner respectfully notes that the applicant's arguments are

6   unpersuasive, at least, for the fact that they comprise only allegation and lack any

7   evidence or supporting rationale.

8   For example, the applicant asserts that there is a clearly appreciable difference

9   between "a packet-oriented data network" and "a telephone network". However, the

10   applicant fails to offer any explanation or support of the supposed difference. The

11   examiner notes that recitations of a "packet-oriented data network" and "a telephone

12   network" do not in themselves denote mutually exclusive networks, as apparently

13   argued by the applicant. A PSTN has long been known to be used for transporting

14   packets (e.g. applicant may consider, at least, DiSanto, fig. 1:60; par. 19, 23).

15

16   ***Conclusion***

17

18   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

19   policy as set forth in 37 CFR 1.136(a).

20   A shortened statutory period for reply to this final action is set to expire THREE

21   MONTHS from the mailing date of this action. In the event a first reply is filed within

22   TWO MONTHS of the mailing date of this final action and the advisory action is not

1   mailed until after the end of the THREE-MONTH shortened statutory period, then the

2   shortened statutory period will expire on the date the advisory action is mailed, and any

3   extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

4   the advisory action. In no event, however, will the statutory period for reply expire later

5   than SIX MONTHS from the mailing date of this final action.

6   Any inquiry concerning this communication or earlier communications from the

7   examiner should be directed to JEFFERY WILLIAMS whose telephone number is

8   (571)272-7965. The examiner can normally be reached on 8:30-5:00.

9   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

10   supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone

11   number for the organization where this application or proceeding is assigned is (703)

12   872-9306.

13   Information regarding the status of an application may be obtained from the

14   Patent Application Information Retrieval (PAIR) system. Status information for

15   published applications may be obtained from either Private PAIR or Public PAIR.

16   Status information for unpublished applications is available through Private PAIR only.

17   For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

18   you have questions on access to the Private PAIR system, contact the Electronic

19   Business Center (EBC) at 866-217-9197 (toll-free).

20

21
22   /Jeffery Williams/
23   Examiner, Art Unit 2437
24

1   /Emmanuel L. Moise/
2   Supervisory Patent Examiner, Art Unit 2437
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4